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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)**

In re

CIRCUIT CITY STORES, INC. et al.,

Debtors.

Chapter 11

Case No. 08-35653 KRH

(Jointly Administered)

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**MIBAREV DEVELOPMENT I LLC'S RESPONSE TO LIQUIDATING TRUST'S  
THIRD OMNIBUS OBJECTION TO LANDLORD CLAIMS**

Creditor Mibarev Development I LLC ("Mibarev") submits this response to The Circuit City Stores, Inc. Liquidating Trust's ("Liquidating Trust") Third Omnibus Objection to Landlord Claims.

The legal and factual basis for Mibarev's claim was explained in detail in the "Application of Mibarev Development I LLC For Administrative Expense Claim" (hereinafter the "Application") which accompanied Mibarev's proof of claim (hereinafter the "Claim"). A copy of the Application is attached hereto as **Exhibit A**. The Court should overrule the Liquidating Trust's objection for the reasons stated in the Application.

The Court should also overrule the Liquidating Trust's objection to Mibarev's Claim for the additional reason that the objection fails to set forth any legal or factual basis for the objection. Federal Rule of Bankruptcy Procedure 3007(e) provides in relevant part that: "[a]n omnibus objection shall ... (3) state the grounds of the objection to each claim and provide a

cross-reference to the pages in the omnibus objection pertinent to the stated grounds." Federal Rules of Bankruptcy Procedure, Rule 3007. The Liquidating Trust, in its Third Omnibus Objection to Landlord Claims, identifies Mibarev claim number 13250 as objected to for "Reduction of certain partially invalid claims." Third Omnibus Objection, Exhibit B. The Third Omnibus Objection states that the Liquidating Trust will identify the claims subject to partial reduction in "Exhibit C" to the Third Omnibus Objection. Third Omnibus Objection, ¶¶ 22, 24, 25. The Liquidating Trust failed to identify the Mibarev claim in Exhibit C to the Third Omnibus Objection and failed to provide even a cursory explanation of the factual or legal basis for the objection. Because the Third Omnibus objection fails to provide any factual or legal grounds for the objection to Mibarev's Claim as required by Rule 3007, the objection should be overruled.

A declaration supporting the amounts requested in Mibarev's Claim is attached hereto as **Exhibit B**. Documents supporting Mibarev's claim, including the Circuit City lease, are attached to the Claim. The undersigned counsel may be contacted for purposes of settling or resolving the Liquidating Trust's objection.

Dated April 7, 2011

Respectfully submitted,

/s/ Thomas R Lynch

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of April 2011 a true and correct copy of the foregoing was served on, *inter alia*, the following via the Court's electronic filing system:

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